

DAVID Y. IGE
Governor

DOUGLAS S. CHIN
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
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SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON WATER & LAND

**MARCH 14, 2018
10:30 A.M.
CONFERENCE ROOM 325**

**SENATE BILL NO. 481 SD 2
RELATING TO IMPORTANT AGRICULTURAL LANDS**

Chairperson Yamane and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 481 SD2 that adds the definition of "landowner" to the provisions relating to the identification and designation of Important Agricultural Lands. The Department of Agriculture offers comments.

The proposed amendments are to Section 204-42 which defines IAL and the objective for the identification of IAL. Specifically, SD2 amends the definition of IAL to include a definition of landowner which includes a private landowner, owner of public lands as defined in Section 171-2, and tenants of public lands. The construction of the definition of "landowner" makes it apply uniformly throughout the IAL Law, otherwise referred to as Part III of Chapter 205.

An owner of public lands as defined in Section 171-2 refers to land under the management, administration, and control of the Department of Land and Natural Resources and the Department of Agriculture. The Department is concerned about assigning tenants of public land the same status as the landowner with respect to the IAL law. This may result in adverse unintended consequences for our land management program as there are permissible uses and activities within Part I of Chapter 205 (the State Land Use Law) that may be sought by tenants for our public



lands that are designated as IAL but are inconsistent with the purpose and intent of our land management program.

Thank you for the opportunity to submit our testimony.

DAVID Y. IGE
Governor

DOUG CHIN
Acting Lieutenant Governor

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Deputy Director



LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

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Statement of
Daniel E. Orodenker
Executive Officer
Land Use Commission
Before the
House Committee on Water and Land
Wednesday March 14, 2018
10:30 AM
State Capitol, Conference Room 325

In consideration of
SB 481 SD2
RELATING TO IMPORTANT AGRICULTURAL LANDS

Chair Yamane, Vice Chair Todd, and members of the Committee on Water and Land:

The Land Use Commission supports SB 481 SD2 that provides an expanded definition of “landowner” to include any tenant of public lands. We believe current statutory language and administrative rules already allow for tenants to submit petitions for Important Agricultural Land (IAL) designations with the authorization of the landowner.

Thank you for the opportunity to testify on this matter.

DAVID Y. IGE
Governor

DOUGLAS S. CHIN
Lt. Governor



JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION
235 S. Beretania Street, Room 205
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TESTIMONY OF JAMES J. NAKATANI
EXECUTIVE DIRECTOR
AGRIBUSINESS DEVELOPMENT CORPORATION

BEFORE THE COMMITTEE ON WATER & LAND

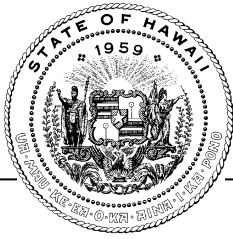
Wednesday, March 14, 2018
10:30 a.m.

SENATE BILL NO. 481 SD2
RELATING TO IMPORTANT AGRICULTURE LANDS

Chairperson Yamane and Members of the Committee:

My name is James Nakatani, Executive Director of the Agribusiness Development Corporation (“ADC”). The ADC supports the proposed Senate Bill No. 481 S.D. 2 which adds the definition of “landowner” to the provisions relating to the identification and dedication of important agricultural lands (IAL).

We recently learned that there was ambiguity regarding whether tenants on state lands were eligible to receive benefits from designating their fields as IAL pursuant to Chapter 205, Part III, HRS. The ADC believes by adding a definition which clarifies that tenants on state lands are eligible will encourage more farmers and agricultural operation to participate and strengthen the IAL program. Thank you for the opportunity to testify, and for your consideration of this bill.



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DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

Statement of
LEO R. ASUNCION
Director, Office of Planning
before the
HOUSE COMMITTEE ON WATER AND LAND
Wednesday, March 14, 2018
10:30 AM
State Capitol, Conference Room 325

in consideration of
SB 481, SD 2
RELATING TO IMPORTANT AGRICULTURAL LANDS.

Chair Yamane, Vice Chair Todd, and Members of the House Committee on Water and Land.

The Office of Planning (OP) supports SB 481, SD 2, which would amend Hawaii Revised Statutes (HRS) § 205-42(a) of Part III, Important Agricultural Lands, to add a new definition for “landowner” to include a tenant of public owners of land.

The effect of this measure would be to clarify that tenants of public lands designated as IAL are eligible for State and county incentives adopted to increase the long-term viability of farming enterprises and the long-term agricultural use of Hawaii’s productive agricultural lands. OP fully supports the concept that agricultural tenants on IAL lands should be eligible for IAL incentives. OP also wishes to acknowledge the changes made to the final SD2 to address concerns raised in our prior testimony.

Thank you for the opportunity to testify on this measure.

SB-481-SD-2

Submitted on: 3/12/2018 7:17:29 PM

Testimony for WAL on 3/14/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dale Sandlin	Hawaii Cattlemens Council	Support	Yes

Comments:



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March 14, 2018

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER AND LAND

TESTIMONY ON SB 481, SD 1
RELATING TO THE IMPORTANT AGRICULTURAL LANDS

Room 325
10:30 AM

Aloha Chair Yamane, Vice Chair Todd, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

HFB supports SB 481, SD1, which adds the definition of "landowner" to the provisions relating to the identification and designation of important agricultural lands.

Since the enactment of the Constitutional Mandate in 1978 to preserve and protect Important Agricultural Lands (IAL), HFB came before the Legislature every year with proposals of how this measure could be implemented. It was only in 2005 when the standards and criteria to designate IAL was finally passed and in 2008 when the incentives were passed.

The incentives were intended to reward investments in infrastructure – improvements to irrigation system and other basic infrastructure, construction of value added facilities, or construction of irrigation water storage facilities were among the qualified agriculture expenditures that were deemed needed for viable operations. The structure of the incentive as a tax credit for only a percentage of costs forces serious investments vs. those that do it just to get a tax credit. Also, being that it is a tax credit requires that the applicant is paying taxes so most likely a viable business endeavor.

If the intent of this measure is to allow tenants on state land classified as IAL the ability to utilize IAL incentives, then we suggest the new definition of "landowner" be changed from "tenants of a private landowner or owner of public lands" be replaced with "tenants of state lands".

Thank you for this opportunity to provide our opinion on this important matter.

SB-481-SD-2

Submitted on: 3/10/2018 1:25:12 AM

Testimony for WAL on 3/14/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Grant Wolf	Individual	Oppose	Yes

Comments:

I do not agree with any bills in the American made system concerning Hawaiian lands. Why would I have an issue with this certain people may ask, but it is very blatant. Divisions of the United States of America's legislative branch which is a bicameral Congress, has no actual say on these matters now would the de facto state of Hawai'i. I am not just being a rabble rouser here. International Courts of the world are finally beginning to recognize the actual sovereignty of the Hawaiian people that has been jeopardized here as Hawaiian land laws remain as valid today as in 1848 when they were being formed. The problem is that the United States which has a Senate and House which make up the Congress, a President in the eexecutive branch, and Supreme Courts under their power have no validity whatsoever here. Hawaiian lands should best be left to Hawaiian hands and for the people of these islands who are the true owners of these lands to decide. This should never be up to the state or federal government of the U.S. Why should anyone else, but Hawaiians decide who a landowner is here in Hawai'i? The only reason I see legislators and politicians getting involved in such things is to tr and "steal" further from the Natives of these islands as has already been done time and time again. No, I do not support this bill and will spread the word that once again we have the "illegal occupier" involved in an attempt to thwart the onwership of native tenants. I'd love to hear one good reason for a bill that decides "land ownership". If Hawaiians have the "palapala" then we know our land ownership. We always have to go to court to fight against land thieves on state, federal, and local levels and that costs money and time that most of us do not have. I will not support the state's involvement in any of our Hawaiian lands.